

REMARKS

Claims 31-44 are pending in the instant application after entry of this amendment. Applicants respectfully request consideration of the claims in light of the remarks presented below.

Drawings

The drawings stand objected to under 37 CFR 1.83(a) as not showing every feature of the invention specified in the claims. In particular, the Examiner has asserted that the Drawings must be corrected to show (1) the porous electrode of Claim 3, and (2) the electrodes configured for mixing of a sample as claimed in Claim 14. In light of the amendments to the claims, withdrawal of this objection is respectfully requested.

Statutory Double Patenting

Claim 20 stands rejected under 35 USC § 101 as claiming the same invention as that of Claim 20 of prior U.S. Patent 6,264,825. In light of the amendments to the claims, withdrawal of this rejection is respectfully requested.

Non-Statutory Double Patenting

Based on U.S. Patent 6,264,825

Claims 1-19 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-19 and 28 of U.S. Patent 6,264,825 ("the '825 patent"). In particular, the Examiner asserts that each of the cited claims is not patentably distinct from the corresponding claim in the '825 patent. In light of the amendments to the claims, withdrawal of this rejection is respectfully requested.

Based on U.S. Patent 6,290,839

Claims 1-2, and 4-8 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1, 6-7, 11 and 23 of U.S. Patent 6,290,839 ("the '839 patent"). In particular, the Examiner asserts that each of the cited claims is not patentably distinct from the corresponding claim or claims in the '839 patent. In light of the amendments to the claims, withdrawal of this rejection is respectfully requested.

35 USC § 112, second paragraph

Claims 18 and 19 stand rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In light of the amendments to the claims, withdrawal of this rejection is respectfully requested.

35 USC § 102

Claim 17 stands rejected under 35 USC § 102(e) as anticipated by US Patent No. 6,391,558. In light of the amendments to the claims, withdrawal of this rejection is respectfully requested.

Claim 21 stands rejected under 35 USC § 102(e) as anticipated by US Patent No. 6,461,820. In light of the amendments to the claims, withdrawal of this rejection is respectfully requested.

35 USC § 103(a)

Claims 1, 2, 4, and 6 stand rejected under 35 USC § 103 as unpatentable over US Patent No. 6,461,820 in view of US Patent No. 6,099,803. In light of the amendments the claims, withdrawal of this rejection is respectfully requested.

Claims 1, 2, 4, and 6 stand rejected under 35 USC § 103 as unpatentable over US Patent No. 6,478,939 in view of US Patent No. 6,099,803. In light of the amendments the claims, withdrawal of this rejection is respectfully requested.

Claims 1, 2, 4, and 6 stand rejected under 35 USC § 103 as unpatentable over US Patent No. 6,391,558 in view of US Patent No. 6,099,803. In light of the amendments the claims, withdrawal of this rejection is respectfully requested.

Claims 1, 2, 4, 6, and 7 stand rejected under 35 USC § 103 as unpatentable over US Patent No. 6,461,820 in view of US Patent No. 6,238,624. In light of the amendments the claims, withdrawal of this rejection is respectfully requested.

Claims 1, 2, 4, 6, and 7 stand rejected under 35 USC § 103 as unpatentable over US Patent No. 6,478,939 in view of US Patent No. 6,238,624. In light of the amendments the claims, withdrawal of this rejection is respectfully requested.

Claims 1, 2, 4, 6, and 7 stand rejected under 35 USC § 103 as unpatentable over US Patent No. 6,391,558 in view of US Patent No. 6,238,624. In light of the amendments the claims, withdrawal of this rejection is respectfully requested.

Claims 13, and 21 stand rejected under 35 USC § 103 as unpatentable over US Patent No. 6,478,939. In light of the amendments the claims, withdrawal of this rejection is respectfully requested.

Claim 22 stands rejected under 35 USC § 103 as unpatentable over US Patent No. 6,478,939 in view of 5,727,548. In light of the amendments the claims, withdrawal of this rejection is respectfully requested.

Claim 23 stands rejected under 35 USC § 103 as unpatentable over US Patent No. 6,478,939 in view of US Patent No. 5,727,548 further in view of 5,505,321. In light of the amendments the claims, withdrawal of this rejection is respectfully requested.

Claim 24 stands rejected under 35 USC § 103 as unpatentable over US Patent No. 6,478,939 in view of US Patent No. 5,968,745. In light of the amendments the claims, withdrawal of this rejection is respectfully requested.

Claim 22 stands rejected under 35 USC § 103 as unpatentable over US Patent No. 6,461,820 in view of US Patent No. 5,727,548. In light of the amendments the claims, withdrawal of this rejection is respectfully requested.

Claim 23 stands rejected under 35 USC § 103 as unpatentable over US Patent No. 6,461,820 in view of US Patent No. 5,727,548 further in view of 5,505,321. In light of the amendments the claims, withdrawal of this rejection is respectfully requested.

Claim 24 stands rejected under 35 USC § 103 as unpatentable over US Patent No. 6,461,820 in view of US Patent No. 5,694,932. In light of the amendments the claims, withdrawal of this rejection is respectfully requested.

CONCLUSION

On the basis of the amendments and remarks presented herein, Applicants believe that this application is now in condition for immediate allowance. Applicants respectfully request that the Examiner pass this application to issue, and early notice of such is requested. This paper is filed under 37 C.F.R. section 1.34(a).

Respectfully submitted,

DORSEY & WHITNEY LLP

Dated: 9/17/04

Customer Number: 32940

Dorsey & Whitney LLP

Four Embarcadero Center, Suite 3400

San Francisco, CA 94111-4187

Telephone: (415) 781-1989

Facsimile: (415) 398-3249

By: 

Steve P. Lendaris, Reg. No. 53,202 for
Robin M. Silva, Reg. No. 38,304